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14 Attorneys for Plaintiff and Counterdefendant
15 APPLE INC.

16 APPLE INC.,

17 Plaintiff,

18 v.

19 PSYSTAR CORPORATION, a Florida
20 corporation, and DOES 1-10, inclusive,

21 Defendants.

22 AND RELATED COUNTERCLAIMS.

23 Case No. 08-3251 WHA

24 **REPLY DECLARATION OF SUSAN D.
25 CARROLL IN SUPPORT OF APPLE
26 INC.'S MOTION TO DISMISS OR
27 ENJOIN**

28 REPLY DECLARATION OF SUSAN D. CARROLL IN SUPPORT OF APPLE INC.'S
MOTION TO DISMISS OR ENJOIN, CASE NO. 08-3251 WHA

townsend.

1 I, SUSAN D. CARROLL, declare as follows:

2 1. I am a Legal Specialist in the Trademark, Copyright and Enforcement Group at
3 Apple Inc. ("Apple") and am responsible for the registration of copyrights on behalf of Apple. If
4 called as a witness, I could and would competently testify with respect to the matters stated herein.

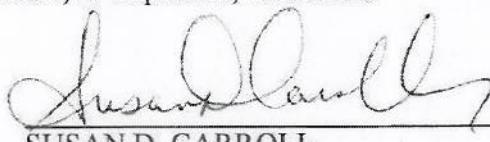
5 2. On September 16, 2009, I electronically filed an application to register the
6 copyright for Mac OS X Snow Leopard Version 10.6. A true and correct copy of the copyright
7 registration that I submitted is attached hereto as Exhibit 1. Together with the registration, I
8 submitted a letter to the Chief Examiner at the Register of Copyrights in the United States
9 Copyright Office. A true and correct copy of my September 16, 2009 letter is attached hereto as
10 Exhibit 2. In that letter, I requested expedited handling for the application due to pendency of this
11 case. In response, I received an automated email acknowledging receipt of the Mac OS X Snow
12 Leopard Version 10.6 copyright registration application and required fee. Attached hereto as
13 Exhibit 3 is a true and correct copy of the September 16, 2009 automated acknowledgment.

14 3. The following day, Apple's outside counsel, Jennison & Shultz, PC, who are
15 located in Arlington, Virginia delivered a hard copy of my letter to the Copyright Office together
16 with the deposits associated with Mac OS X Snow Leopard Version 10.6. The deposits were the
17 source code printouts required by the Copyright Office and the computer software package
18 including the disc for Mac OS X Snow Leopard Version 10.6.

19 4. Today, I received notification from the Copyright Office that the copyright
20 registration for Mac OS X Snow Leopard Version 10.6 has issued. The registration number for
21 the work is Reg. No. TX 6-973-319. Attached hereto as Exhibit 4 is a true and correct copy of the
22 Certificate of Registration for the copyright in Mac OS X Snow Leopard Version 10.6.

23 I declare under penalty of perjury under the laws of the United States that the foregoing is
24 true and correct to the best of my knowledge and belief.

25 Executed on September 21, 2009, at Cupertino, California

26 
27 _____
28 SUSAN D. CARROLL

REPLY DECLARATION OF SUSAN D. CARROLL IN SUPPORT OF APPLE INC.'S
MOTION TO DISMISS OR ENJOIN, CASE NO. 08-3251 WHA

CERTIFICATE OF SERVICE

I, Diane G. Sunnen, declare I am employed in the City and County of San Francisco, California in the office of a member of the bar of this court at whose direction this service was made. I am over the age of eighteen and not a party to this action. My business address is Townsend and Townsend and Crew LLP, Two Embarcadero Center, Eighth Floor, San Francisco, California, 94111.

I served the following documents exactly entitled: **REPLY DECLARATION OF SUSAN D. CARROLL IN SUPPORT OF APPLE INC.'S MOTION TO DISMISS OR ENJOIN** on the interested parties in this action following the ordinary business practice of Townsend and Townsend and Crew LLP, as follows:

K.A.D. Camara
Camara & Sibley LLP
2339 University Boulevard
Houston, TX 77005
Phone: 713-893-7973
Fax: 713-583-1131
email: camara@camarasibley.com

David Vernon Welker
Welker & Rosario
2230 Skillern Drive
Boise, Idaho 83709
Phone: 949-378-2900
Fax: 717-924-6627

email: david.welker@werolaw.com

[By First Class Mail] I am readily familiar with my employer's practice for collecting and processing documents for mailing with the United States Postal Service. On the date listed herein, following ordinary business practice, I served the within document(s) at my place of business, by placing a true copy thereof, enclosed in a sealed envelope, with postage thereon fully prepaid, for collection and mailing with the United States Postal Service where it would be deposited with the United States Postal Service that same day in the ordinary course of business.

[By Overnight Courier] I caused each envelope to be delivered by a commercial carrier service for overnight delivery to the offices of the addressee(s).

[By Hand] I directed each envelope to the party(ies) so designated on the service list to be delivered by courier this date.

[By Facsimile Transmission] I caused said document to be sent by facsimile transmission to the fax number indicated for the party(ies) listed above.

[By Electronic Transmission] I caused said document to be sent by electronic transmission to the e-mail address indicated for the party(ies) listed above via the court's ECF notification system.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on September 21, 2009, at San Francisco, California.

/s/ Diane G. Sunnen
Diane G. Sunnen

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